



General Assembly

January Session, 2009

***Raised Bill No. 6361***

LCO No. 2961

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Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL  
ASSAULT FORENSIC EXAMINERS PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2009*) (a) There is established a  
2       Sexual Assault Forensic Examiners Advisory Committee consisting of  
3       the following: (1) The Chief Court Administrator, or the Chief Court  
4       Administrator's designee; (2) The Chief State's Attorney, or the Chief  
5       State's Attorney's designee; (3) the Commissioner of Public Health, or  
6       the commissioner's designee; (4) a representative from the Division of  
7       Scientific Services appointed by the Commissioner of Public Safety; (5)  
8       a representative from the Division of State Police appointed by the  
9       Commissioner of Public Safety; (6) the Victim Advocate, or the Victim  
10      Advocate's designee; (7) the president of the Connecticut Hospital  
11      Association, or the president's designee; (8) the president of the  
12      Connecticut College of Emergency Physicians, or the president's  
13      designee; (9) one member from Connecticut Sexual Assault Crisis  
14      Services, Inc., appointed by its board of directors; and (10) one member  
15      from the Connecticut Chapter of the International Association of  
16      Forensic Nurses, appointed by the association.

17 (b) The committee shall advise the Office of Victim Services on the  
18 establishment and implementation of the sexual assault forensic  
19 examiners program pursuant to subdivision (18) of subsection (b) of  
20 section 54-203 of the general statutes, as amended by this act and  
21 section 2 of this act. The committee shall make specific  
22 recommendations concerning: (1) The recruitment of registered nurses,  
23 advanced practice registered nurses and physicians to participate in  
24 such program; (2) the development of a specialized training course  
25 concerning such program for registered nurses, advanced practice  
26 registered nurses and physicians who participate in the program; (3)  
27 the development of agreements between the Judicial Branch, the  
28 Department of Public Health and acute care hospitals relating to the  
29 scope of services offered under the program and hospital standards  
30 governing the provision of such services; (4) individual case tracking  
31 mechanisms; (5) utilization of medically accepted best practices; and  
32 (6) the development of quality assurance measures.

33 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) As used in this section,  
34 "sexual assault forensic examiner" means a registered nurse or  
35 advanced practice registered nurse licensed pursuant to chapter 378 of  
36 the general statutes or a physician licensed pursuant to chapter 370 of  
37 the general statutes.

38 (b) A sexual assault forensic examiner may provide immediate care  
39 and treatment to a victim of sexual assault who is a patient in an acute  
40 care hospital and may collect evidence pertaining to the investigation  
41 of any sexual assault in accordance with the State of Connecticut  
42 Technical Guidelines for Health Care Response to Victims of Sexual  
43 Assault, published by the Commission on the Standardization of the  
44 Collection of Evidence in Sexual Assault Investigations pursuant to  
45 section 19a-112a of the general statutes, as amended by this act.  
46 Services provided by a sexual assault forensic examiner shall be: (1) In  
47 accordance with the hospital's policies and accreditation standards;  
48 and (2) pursuant to a written agreement entered into by the hospital,  
49 the Department of Public Health and the Office of Victim Services

50 concerning the hospital's participation in the sexual assault forensic  
51 examiners program. Nothing in this section shall be construed as  
52 altering the scope of the practice of nursing as set forth in section 20-  
53 87a of the general statutes.

54 Sec. 3. Subsection (b) of section 54-203 of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective July*  
56 *1, 2009*):

57 (b) The Office of Victim Services shall have the following powers  
58 and duties:

59 (1) To direct each hospital, whether public or private, to display  
60 prominently in its emergency room posters giving notice of the  
61 availability of compensation and assistance to victims of crime or their  
62 dependents pursuant to sections 54-201 to 54-233, inclusive, and to  
63 direct every law enforcement agency of the state to inform victims of  
64 crime or their dependents of their rights pursuant to sections 54-201 to  
65 54-233, inclusive;

66 (2) To request from the office of the state's attorney, state police,  
67 local police departments or any law enforcement agency such  
68 investigation and data as will enable the Office of Victim Services to  
69 determine if in fact the applicant was a victim of a crime or attempted  
70 crime and the extent, if any, to which the victim or claimant was  
71 responsible for his own injury;

72 (3) To request from the Department of Correction, other units of the  
73 Judicial Department and the Board of Pardons and Paroles such  
74 information as will enable the Office of Victim Services to determine if  
75 in fact a person who has requested notification pursuant to section 54-  
76 228 was a victim of a crime;

77 (4) To direct medical examination of victims as a requirement for  
78 payment under sections 54-201 to 54-233, inclusive;

79 (5) To take or cause to be taken affidavits or depositions within or

80 without the state;

81 (6) To apply for, receive, allocate, disburse and account for grants of  
82 funds made available by the United States, by the state, foundations,  
83 corporations and other businesses, agencies or individuals to  
84 implement a program for victim services which shall assist witnesses  
85 and victims of crimes as the Office of Victim Services deems  
86 appropriate within the resources available and to coordinate services  
87 to victims by state and community-based agencies, with priority given  
88 to victims of violent crimes, by (A) assigning, in consultation with the  
89 Division of Criminal Justice, such victim advocates as are necessary to  
90 provide assistance; (B) administering victim service programs; and (C)  
91 awarding grants or purchase of service contracts in accordance with  
92 the plan developed under subdivision (15) of this subsection to private  
93 nonprofit organizations or local units of government for the direct  
94 delivery of services, except that the provision of training and technical  
95 assistance of victim service providers and the development and  
96 implementation of public education campaigns may be provided by  
97 private nonprofit or for-profit organizations or local units of  
98 government. Such grants and contracts shall be the predominant  
99 method by which the Office of Victim Services shall develop,  
100 implement and operate direct service programs and provide training  
101 and technical assistance to victim service providers;

102 (7) To provide each person who applies for compensation pursuant  
103 to section 54-204, within ten days of the date of receipt of such  
104 application, with a written list of rights of victims of crime involving  
105 personal injury and the programs available in this state to assist such  
106 victims. The Office of Victim Services, the state or any agent, employee  
107 or officer thereof shall not be liable for the failure to supply such list or  
108 any alleged inadequacies of such list. Such list shall include, but not be  
109 limited to:

110 (A) Subject to the provisions of sections 18-81e and 51-286e, the  
111 victim shall have the right to be informed concerning the status of his

112 or her case and to be informed of the release from custody of the  
113 defendant;

114 (B) Subject to the provisions of section 54-91c, the victim shall have  
115 the right to present a statement of his or her losses, injuries and wishes  
116 to the prosecutor and the court prior to the acceptance by the court of a  
117 plea of guilty or nolo contendere made pursuant to a plea agreement  
118 with the state wherein the defendant pleads to a lesser offense than the  
119 offense with which the defendant was originally charged;

120 (C) Subject to the provisions of section 54-91c, prior to the  
121 imposition of sentence upon the defendant, the victim shall have the  
122 right to submit a statement to the prosecutor as to the extent of any  
123 injuries, financial losses and loss of earnings directly resulting from the  
124 crime;

125 (D) Subject to the provisions of section 54-126a, the victim shall have  
126 the right to appear before a panel of the Board of Pardons and Paroles  
127 and make a statement as to whether the defendant should be released  
128 on parole and any terms or conditions to be imposed upon any such  
129 release;

130 (E) Subject to the provisions of section 54-36a, the victim shall have  
131 the right to have any property the victim owns which was seized by  
132 police in connection with an arrest to be returned;

133 (F) Subject to the provisions of sections 54-56e and 54-142c, the  
134 victim shall have the right to be notified of the application by the  
135 defendant for the pretrial program for accelerated rehabilitation and to  
136 obtain from the court information as to whether the criminal  
137 prosecution in the case has been dismissed;

138 (G) Subject to the provisions of section 54-85b, the victim cannot be  
139 fired, harassed or otherwise retaliated against by an employer for  
140 appearing under a subpoena as a witness in any criminal prosecution;

141 (H) Subject to the provisions of section 54-86g, the parent or legal

142 guardian of a child twelve years of age or younger who is a victim of  
143 child abuse or sexual assault may request special procedural  
144 considerations to be taken during the testimony of the child;

145 (I) Subject to the provisions of section 46b-15, the victim of assault  
146 by a spouse or former spouse, family or household member has the  
147 right to request the arrest of the offender, request a protective order  
148 and apply for a restraining order;

149 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,  
150 the victim of sexual assault or domestic violence can expect certain  
151 records to remain confidential;

152 (8) Within available appropriations, to establish a victim's assistance  
153 center which shall provide a victims' rights information clearinghouse  
154 which shall be a central repository of information regarding rights of  
155 victims of crime and services available to such victims and shall collect  
156 and disseminate such information to assist victims;

157 (9) To provide, not later than January 1, 1994, a victims' notification  
158 clearinghouse which shall be a central repository for requests for  
159 notification filed pursuant to sections 54-228 and 54-229, and to notify,  
160 on and after January 1, 1994, persons who have filed such a request  
161 whenever an inmate has applied for release from a correctional  
162 institution or reduction of sentence or review of sentence pursuant to  
163 section 54-227 or whenever an inmate is scheduled to be released from  
164 a correctional institution and, on and after January 1, 1994, to provide  
165 victims of family violence crimes, upon request, information  
166 concerning any modification or termination of criminal orders of  
167 protection;

168 (10) To provide a telephone hotline that shall provide information  
169 on referrals for various services for victims of crime and their families;

170 (11) To provide staff services to a state advisory council. The council  
171 shall consist of not more than fifteen members to be appointed by the

172 Chief Justice and shall include the Chief Victim Compensation  
173 Commissioner and members who represent victim populations,  
174 including but not limited to, homicide survivors, family violence  
175 victims, sexual assault victims, victims of drunk drivers, and assault  
176 and robbery victims, and members who represent the judicial branch  
177 and executive branch agencies involved with victims of crime. The  
178 members shall serve for terms of four years. Any vacancy in the  
179 membership shall be filled by the appointing authority for the balance  
180 of the unexpired term. The members shall receive no compensation for  
181 their services. The council shall meet at least six times a year. The  
182 council shall recommend to the Office of Victim Services program,  
183 legislative or other matters which would improve services to victims of  
184 crime and develop and coordinate needs assessments for both court-  
185 based and community-based victim services. The Chief Justice shall  
186 appoint two members to serve as cochairmen. Not later than December  
187 fifteenth of each year, the council shall report the results of its findings  
188 and activities to the Chief Court Administrator;

189 (12) To utilize such voluntary and uncompensated services of  
190 private individuals, agencies and organizations as may from time to  
191 time be offered and needed;

192 (13) To recommend policies and make recommendations to agencies  
193 and officers of the state and local subdivisions of government relative  
194 to victims of crime;

195 (14) To provide support and assistance to state-wide victim services  
196 coalitions and groups;

197 (15) To develop, in coordination with the Department of Social  
198 Services, the Department of Public Health, the Office of Policy and  
199 Management, the Department of Children and Families and the  
200 Division of Criminal Justice, a comprehensive plan to more effectively  
201 administer crime victims' compensation and coordinate the delivery of  
202 services to crime victims, including the funding of such services. Such  
203 plan shall be submitted to the Governor and the General Assembly not

204 later than January 1, 1994;

205 (16) Within available appropriations to establish a crime victims'  
206 information clearinghouse which shall be a central repository for  
207 information collected pursuant to subdivision (9) of this subsection  
208 and information made available through the criminal justice  
209 information system, to provide a toll-free telephone number for access  
210 to such information and to develop a plan, in consultation with all  
211 agencies required to provide notification to victims, outlining any  
212 needed statutory changes, resources and working agreements  
213 necessary to make the Office of Victim Services the lead agency for  
214 notification of victims, which plan shall be submitted to the General  
215 Assembly not later than February 15, 2000;

216 (17) To provide a training program for judges, prosecutors, police,  
217 probation and parole personnel, bail commissioners, officers from the  
218 Department of Correction and judicial marshals to inform them of  
219 victims' rights and available services; [and]

220 (18) To establish a sexual assault forensic examiners program that  
221 will train and make available sexual assault forensic examiners to  
222 adolescent and adult victims of sexual assault who are patients at  
223 participating acute care hospitals; and

224 [(18)] (19) To submit to the joint standing committee of the General  
225 Assembly having cognizance of matters relating to victim services, in  
226 accordance with the provisions of section 11-4a, on or before January  
227 15, 2000, and biennially thereafter a report of its activities under  
228 sections 54-201 to 54-233, inclusive, including, but not limited to,  
229 implementation of training activities and mandates. Such report shall  
230 include the types of training provided, entities providing training and  
231 recipients of training.

232 Sec. 4. Subdivision (1) of subsection (e) of section 19a-112a of the  
233 general statutes is repealed and the following is substituted in lieu  
234 thereof (*Effective July 1, 2009*):



235 (e) (1) No costs incurred by a health care facility for the examination  
 236 of a victim of sexual assault, when such examination is performed for  
 237 the purpose of gathering evidence as prescribed in the protocol,  
 238 including the costs of testing for pregnancy and sexually transmitted  
 239 diseases and the costs of prophylactic treatment as provided in the  
 240 protocol, shall be charged directly or indirectly to such victim. Any  
 241 such costs shall be charged to the [Division of Criminal Justice] Office  
 242 of Victim Services.

243 Sec. 5. (*Effective July 1, 2009*) The sum of two hundred seventy-five  
 244 thousand dollars is appropriated to the Judicial Department, from the  
 245 General Fund, for the fiscal year ending June 30, 2010, for the Office of  
 246 Victim Services forensic examiners program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	54-203(b)
Sec. 4	<i>July 1, 2009</i>	19a-112a(e)(1)
Sec. 5	<i>July 1, 2009</i>	New section

***Statement of Purpose:***

To establish a sexual assault forensic examiners program that will train and make available sexual assault forensic examiners to adolescent and adult victims of sexual assault who are patients at participating acute care hospitals.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*